BILL NO. S-89-06-15

SPECIAL ORDINANCE NO. S-93-89

**AN ORDINANCE** approving the awarding of Reference #880 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **D.R. FALZINE & ASSOCIATES, INC.** for the Street Light Engineering Department.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;**

**SECTION 1.** That Reference #880 between the City of Fort Wayne, by and through its Department of Purchasing and **D.R. FALZINE & ASSOCIATES, INC.** for the Street Light Engineering Department, is hereby ratified, and affirmed and approved in all respects, respectfully for:

**the purchase of 16' fiberglass poles for the Street Light Engineering Department;**

involving a total cost of Thirty-Seven Thousand Four Hundred Eighty-Five and no/100 Dollars ($37,485.00).

**SECTION 2.** Prior Approval has been requested from Common Council on **June 6, 1989.** Two copies of said Reference are on file with the Office of the City Clerk and made available for public inspection, according to law.

**SECTION 3.** That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

All America City

Most Livable City

# THE CITY OF FORT WAYNE

May 31, 1989

The Common Council
Fort Wayne IN

RE: Reference No. 880

Gentlemen and Mrs. Bradbury:

The Department of Purchases respectfully requests "Prior Approval" of Reference No. 880, with respect to the purchase of fiberglass poles for the Street Light Department. These will be used at the Crown Colony Addition. Due to time limitations of construction season and shipping, material must be ordered so that construction can be done in timely manner. The Street Light Department is requesting we move as quickly as possible on this project. The bid should be awarded to DR Falzine in the amount of $37485.00 and will be assigned a purchase order number upon Councilmanic approval.

DEPARTMENT OF PURCHASES

Gloria J. Goeglein

Gloria J. Goeglein

CITY OF FORT WAYNE

Paul Helmke, Mayor

APPROVED:

ATTEST:

Sandra Kennedy, City Clerk

Attachment

REFERENCE NO. 880
STREET LIGHT WAREHOUSE
FIBERGLASS BLACK POLES-16'

| QTY | DR FALZINE | | CENTRAL | |
|---|---|---|---|---|
| 300 | $124.95 | $37,485.00 | $131.19 | $39,357.00 |

INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
219-427-1101

BID OPENING DATE: 4-25-89 @ 11:00 AM BID REFERENCE # 880

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A. M., ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR 16 Ft Fiberglas Black Poles, Smooth Finish

AND REQUESTED BY Street Light Engineering .

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED ON THE THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A xxxx 5% BID BOND, CERTIFIED CHECK, OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: Net % IF PAID WITHIN 30 DAYS.

THE CITY OF FORT WAYNE IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS 356-001-255-0013. PRICES SHOULD NOT INCLUDE THESE TAXES.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME D. R. Falzine & Associates, Inc.

STREET ADDRESS 2752 Gibson Drive

CITY Rocky River, Ohio 44116

BY Daniel R. Falzine PHONE (216) 331-9178
REPRESENTATIVE SIGNATURE

SPECIFICATIONS FOR BID REFERENCE #880

POLES

16 FT. FIBERGLAS POLES BLACK

DIRECT BURIAL 3" O D TENSION

HAND HOLE & WIRE ENTRANCE HOLE

CAT #BS16-01S1BE15

SMOOTH FINISH

COST OF EACH POLE $ 124.95

TOTAL COST $ 37,485.00 (300 poles)

NOTE: FREIGHT IS PREPAID AND ALLOWED ON $1,000.00 SALES VALUE AND OVER.

CASHIER'S CHECK IN THE AMOUNT OF $1874.25 IS ATTACHED.

ANY QUESTIONS CONTACT TIM WARREN 219-427-1173 STREET LIGHT ENGINEERING

SCHEDULE

1. The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment, and power for the completed delivery of the supplies.

All supplies and deliveries of supplies will be in accordance with: the IFB, this contract and any applicable plans, specifications, and drawings for a TOTAL PRICE of $37,485.00 . (If unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto.) The supplies shall be delivere as follows: 4 to 6 weeks after receipt of an order

/__/ 2. LIQUIDATED DAMAGES PROVISION. It is hereby agreed by and between the City of Fort Wayne and contractor that time is of the essence of this agreement, and the contractor agrees that it will deliver the supplies as herein called for on or before the time spelled out in the contract. The parties agree that it is a business and governmental necessity that the supplies be delivered by these dates. The parties agree that in the event the supplies are not delivered by these dates, that it will be difficult or impossible to make an accurate determination of the damages that will be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of $ 0 per day as a reasonable estimate as to the damages which would be incurred by the City of Fort Wayne. The parties further agree that causes beyond the control of the contractor may delay delivery of supplies. Therefore, the parties agree that delays in the dates for delivery of supplies beyond the control of the contractor shall not result in liquidated damages.

Delays beyond the control of the contractor can include but are not restricted to: Acts of God or of the public enemy, acts of the United States Government, State of Indiana Government and City of Fort Wayne in either its sovereign or contractual capacity, fires, floods, epidemics, guarantee restrictions, strikes, freight embargoes, and unusually severe weather; but, in every case, the failure to perform must be beyond control and without the fault or negligence of the contractor. If the failure to perform is caused

ATTACHMENT C

## CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of D.R.Falzine & Assoc., Inc. _____, does hereby make the following representations to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons, firms or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid in South Africa.

The undersigned states, on behalf of D.R.Falzine & Associates, Inc., that we does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed this 22nd day of May, 1989.

D.R.Falzine & Associates, Inc.
(Name of Bidder/Vendor)

Daniel R. Falzine PRESIDENT
(Name and Title of Person Signing)

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

# BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: May 22. 1989

1. Governmental Unit: _____
2. County: Cuyahoga
3. Bidder (Firm): Shakespeare
   Address: 2752 Gibson Drive
   City/State: Rocky River, Ohio 44116
4. Telephone Number: (216) 331-9178
5. Agent of Bidder (If applicable): D. R. Falzine & Associates, Inc.

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

David R. Falzine
Signature of Bidder or Agent

## BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

| Class or Item | Quantity | Unit | Description | Unit Price | Amount |
|---|---|---|---|---|---|
| Light Poles | 300 | | Light Poles Shakespeare Catalog No. BS16-01S1BE15 | $124.95 | $37,485.00 |

## NON-COLLUSION AFFIDAVIT

STATE OF INDIANA )
) SS:
_____ COUNTY )

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by him at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Shakespeare
Bidder (Firm)

David R. Falzine
Signature of Bidder or Agent

Subscribed and sworn to before me this 22nd day of May, 1989.

Commission Expires: NEVER

County of Residence: CUYAHOGA, OHIO

THOMAS L. TAROLLI, Notary Public - State of Ohio
Notary Public has no expiration
My commission has no expiration
Section 147.03 R.C.

Thomas L. Tarolli
Notary Public

THOMAS L. TAROLLI
Notary Public Printed Name

## ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price bid for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____
_____ _____
_____ _____

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____.M.,E.S.T.

DATED: 6-13-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT |
|---|---|---|---|---|
| TOTAL VOTES | 8 | | | |
| BRADBURY | ✓ | | | |
| BURNS | ✓ | | | |
| GiaQUINTA | ✓ | | | |
| HENRY | ✓ | | | |
| LONG | ✓ | | | |
| REDD | ✓ | | | |
| SCHMIDT | ✓ | | | |
| ~~STIER~~ | | | | |
| TALARICO | ✓ | | | |

DATED: 6-27-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) (~~ZONING~~ MAP) ORDINANCE ~~RESOLUTION~~ NO. S-93-89 on the 27th day of June, 19 89,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of June, 1989, at the hour of 11:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of June, 19 89, at the hour of 12:00 o'clock P.M.,E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

S 89-06-15

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 880 with respect to the purchase of 16' fiberglass poles for Street Light Eng. The cost reflects the lowest and most responsible of two (2) vendors.

Prior approval -

EFFECT OF PASSAGE: Approximately 300+/- poles for street lighting at Crown Colony.

EFFECT OF NON-PASSAGE: Crown Colony would not have street lights installed.

MONIES INVOLVED: DR Falzine $37,485.00 +/-

PRICE AGREEMENT:

PURCHASE ORDER: Yes

SOURCE OF FUNDING: Street Light
512-503-E154-4299

PRIOR APPROVAL: YES DATE: 6/6/89
(IF APPLICABLE)

BILL NO. S-89-06-15

REPORT OF THE COMMITTEE ON CITY UTILITIES

MARK E. GiaQUINTA, CHAIRMAN
THOMAS C. HENRY, VICE CHAIRMAN
LONG, BURNS, TALARICO

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving the awarding of Reference #880 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and D.R. FALZINE & ASSOCIATES, INC. for the Street Light Engineering Department

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) ~~(RESOLUTION)~~

| DO PASS | DO NOT PASS | ABSTAIN | NO REC |
|---|---|---|---|
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DATED: 6-27-89.

Sandra E. Kennedy
City Clerk